

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

|                               |   |                               |
|-------------------------------|---|-------------------------------|
| SYLVIA JEAN STEPHENSON,       | ) |                               |
|                               | ) | Case No. 1:17-cv-194          |
| <i>Plaintiff,</i>             | ) |                               |
|                               | ) | Judge Travis R. McDonough     |
| v.                            | ) |                               |
|                               | ) | Magistrate Judge Susan K. Lee |
| YRC, INC., d/b/a YRC FREIGHT, | ) |                               |
|                               | ) |                               |
| <i>Defendant.</i>             | ) |                               |

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**ORDER**

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This action came before the Court for a trial by jury. The issues have been tried, and the jury has rendered its verdict.

During trial, Defendant YRC, Inc. (“YRC”) admitted that its employee, Charles Pridemore, was negligent, and that YRC, as his employer, was responsible for his negligence. The jury found that Plaintiff Sylvia Jean Stephenson proved by a preponderance of the evidence that Pridemore caused injuries or losses to her; that YRC was at fault for negligently retaining Pridemore, negligently entrusting him to drive a commercial vehicle, or failing to adequately supervise him, and that YRC’s fault caused injuries or loss to Plaintiff; and that Plaintiff was not at fault and did not cause injuries or loss to herself. (Doc. 99.) The jury awarded Plaintiff \$138,000 for medical expenses, \$500,000 for pain and suffering, \$1,000,000 for permanent injury; and \$500,000 for loss of enjoyment of life. (*Id.*) The total non-economic compensatory damages thus totaled \$2,000,000.

Tennessee Code Annotated § 29-39-102 imposes a non-economic damages cap in civil cases. Applying the cap in this case would reduce the damages awarded. However, on June 19,

2019, the Tennessee Supreme Court certified three questions of law that ask whether the statutory cap on non-economic damages violates the Tennessee Constitution. *McClay v. Airport Mgmt. Servs., LLC*, No. M2019-00511-SC-R23-CV (Tenn. June 19, 2019) (order granting certification). Oral argument is set for September 4, 2019. The Tennessee Supreme Court's answer to the certified questions will determine the damages to which Plaintiff is entitled. As such, the Court deems a stay appropriate.

Accordingly, this case is hereby **STAYED** for sixty days or until the Tennessee Supreme Court decides *McClay*, whichever is first. The parties are placed **ON NOTICE** that the Court intends to order them to provide any supplemental briefing on this issue within thirty days of the Tennessee Supreme Court's issuance of its answer.

**SO ORDERED.**

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**